

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
CENTRAL DIVISION

UNITED STATES OF AMERICA,  Plaintiff,  vs.  JOSHUA WALKING EAGLE,  Defendant.	3:20-CR-30117-RAL  OPINION AND ORDER ADOPTING REPORT AND RECOMMENDATION
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Defendant Joshua Walking Eagle moved to suppress his statements and any physical evidence gathered during the initial stage of a murder investigation. Doc. 48. Magistrate Judge Mark A. Moreno issued a report and recommendation on January 12, 2022, recommending that Walking Eagle's motion be granted in part and denied in part. Doc. 69. The parties agreed to a five-day objection period given the January 25, 2022 trial date.

This Court reviews a report and recommendation under the statutory standards found in 28 U.S.C. § 636(b)(1), which provides in relevant part that "[a] judge of the [district] court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." However, "[i]n the absence of an objection, the district court is not required 'to give any more consideration to the magistrate's report than the court considers appropriate.'" United States v. Murillo-Figueroa, 862 F. Supp. 2d 863, 866 (N.D. Iowa 2012) (quoting Thomas v. Arn, 474 U.S. 140, 150 (1985)).

Neither Walking Eagle nor the Government has objected to the report and recommendation and the time for doing so has now passed.

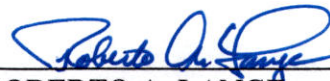
Accordingly, it is hereby

ORDERED that the Report and Recommendation for Disposition of Motion to Suppress, Doc. 69, is adopted. It is further

ORDERED that Walking Eagle's Motion to Suppress, Doc. 48, is granted in part and denied in part.

DATED this 18th day of January, 2022.

BY THE COURT:



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ROBERTO A. LANGE  
CHIEF JUDGE